

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. 10/086,374 10/22/2001 PW 69816 277438 Thomas P. Castellano 2693 **EXAMINER** 27496 7590 12/29/2003 PILLSBURY WINTHROP LLP THOMPSON, MICHAEL M 725 S. FIGUEROA STREET ART UNIT PAPER NUMBER **SUITE 2800** LOS ANGELES, CA 90017 3763

DATE MAILED: 12/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	AN.						
			Application No.		Applicant(s)		
<u> </u>		10/086,374		CASTELLANO, THOMAS P.			
	Office Action Summary	1	Examiner		Art Unit		
		1	Michael M. Thomps	on	3763		
Period fo	The MAILING DATE of this commu or Reply	inication app	ars on the coversi	he twith the	correspond nce ad	dress	
THE - Exte after - If the - If NC - Failu - Any I	ORTENED STATUTORY PERIOD MAILING DATE OF THIS COMMUI moust of time may be available under the provision SIX (6) MONTHS from the mailing date of this core period for reply specified above is less than thirty period for reply is specified above, the maximum are to reply within the set or extended period for reply received by the Office later than three months and patent term adjustment. See 37 CFR 1.704(b).	NICATION. ns of 37 CFR 1.136(nmunication. (30) days, a reply w statutory period will bly will, by statute, ca	(a). In no event, however ithin the statutory minimu apply and will expire SIX ause the application to be	may a reply be tin m of thirty (30) day (6) MONTHS from acome ABANDONE	nely filed s will be considered timel the mailing date of this or D (35 U.S.C. § 133).		
1)⊠	Responsive to communication(s) f	iled on <u>16 Oct</u>	<u>ober 2003</u> .				
2a) <u></u> □	This action is FINAL. 2b) This action is non-final.						
3)	3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposit	ion of Claims						
,	7) Claim(s) is/are objected to.						
Applicat	ion Papers						
10)	The specification is objected to by the drawing(s) filed on is/ar Applicant may not request that any objected the oath or declaration is objected	e: a)⊡ accep jection to the dr ng the correctio	awing(s) be held in n is required if the d	abeyance. Sed Irawing(s) is ob	e 37 CFR 1.85(a). jected to. See 37 Cl		
•	under 35 U.S.C. §§ 119 and 120					,	
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. a) The translation of the foreign language provisional application has been received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.							
Attachmen	it(s)						
2) Notice	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review mation Disclosure Statement(s) (PTO-1449)		5) 🔲 No	otice of Informal F	(PTO-413) Paper No(Patent Application (PTO		

Page 2

Application/Control Number: 10/086,374

Art Unit: 3763

DETAILED ACTION

Election/Restrictions

- 1. Applicant's election without traverse of Group I., claims 1-29 in Paper No. 7 is acknowledged.
- 2. Claims 30-35 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group II., there being no allowable generic or linking claim.

 Election was made without traverse in Paper No. 7.
- 3. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-21, drawn to a needle-less injector, classified in class 604, subclass 68.
- II. Claims 22-29, drawn to a diffuser, classified in class 239, subclass 584.5.

 The inventions are distinct, each from the other because of the following reasons:
- Inventions I. and II. are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the subcombination further requires at least one aerodynamic fin being disposed in such a manner so as to aid in gas flow through the air passage. The subcombination has separate utility such as a diffuser within a fluid flow path of a tubular conduit.
- 5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Contacts

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Michael Thompson whose telephone number is (703) 305-1619. The Examiner can normally be reached on Monday through Friday from 9 am to 5 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Primary, Brian Casler, can be reached on (703) 308-3552. The official fax phone number for all submissions to the organization where this application or proceeding is assigned is (703) 872-9306.

Michael M. Thompson

Patent Examiner

December 24, 2003

BRIAN L. CASLEH
SUPTIMESORY PUTTANT EYAMMER